

RESOLUTION

00- *R*-1706

CITY UTILITIES COMMITTEE

**AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE ATLANTA HOUSING AUTHORITY FOR THE PURPOSE OF EXCHANGING PROPERTY TO COMPLETE WORK REQUIRED FOR CERTIFICATION OF CLOSURE OF THE GUN CLUB ROAD LANDFILL**

**WHEREAS**, ordinance #99-O-1057 adopted by City Council on July 6, 1999 and approved by the Mayor on July 12, 1999 authorized negotiations with owners for acquisition of real property required for the certification of closure of the City's landfills; and

**WHEREAS**, certain real property, currently owned by the Atlanta Housing Authority is required and desirable for the City to acquire for certification of landfill closure; and

**WHEREAS**, the Atlanta Housing Authority has indicated a willingness to negotiate a property exchange; and

**WHEREAS**, to facilitate the exchange of property and obtain the Federal Housing Urban Development approval it is desirable to negotiate and enter into an intergovernmental agreement with the Atlanta Housing Authority;

**WHEREAS**, the exchange of property will enhance the City's plans for development of the North West corridor.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, That the City Attorney, or her designee, in consultation with the Bureau of Purchasing and Real Estate and Department of Public Works, and Department of Planning is hereby authorized to negotiate, prepare and enter into an intergovernmental agreement for the purpose of exchanging property to obtain the required certification of closure for the Gun Club Road landfill and for other related purposes.

**BE IT FURTHER RESOLVED**, That, in the event said negotiations fail, the City Attorney or her designee is hereby authorized and directed to acquire such properties through condemnation procedures.

**BE IT FURTHER RESOLVED**, That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A SUBSTITUTE ORDINANCE

BY CITY UTILITIES COMMITTEE

**AUTHORIZING NEGOTIATIONS AND CASH SETTLEMENT FOR THE ACQUISITION OF REAL PROPERTY AND PERMANENT AND CONSTRUCTION EASEMENTS, FOR THE PURPOSE OF COMPLETING WORK REQUIRED FOR THE CLOSURE OF THE KEY ROAD, CASCADE ROAD, GUN CLUB ROAD AND EAST CONFEDERATE LANDFILLS.**

**WHEREAS**, a resolution adopted by the City Council on December 21, 1992, required the closure of the Gun Club Road Sanitary landfill; and

**WHEREAS**, a resolution adopted by the City Council on June 16, 1997, and approved by the Mayor on June 18, 1997 authorized the Mayor acting on behalf of the City to execute consent orders and amended consent orders issued by the Georgia Environmental Protection Division for the purpose of closing the Key Road, Cascade Road and East Confederate Sanitary landfill; and

**WHEREAS**, the Georgia Environmental Protection Division requires that these closures be completed no later than September 26, 1999; and

**WHEREAS**, the City will be required to maintain the closed City landfills for a minimum of thirty (30) years in accordance with the Rules and Regulations of the Georgia Department of Natural Resources; and

**WHEREAS**, in the interest of public health and safety it is necessary that these landfills be properly closed and maintained; and

**WHEREAS**, to complete the work necessary for the closure of the City's Sanitary Landfills now and for the entire thirty year maintenance period, permanent and construction easements and/or property acquisitions will be required; and

**WHEREAS**, a resolution adopted by the City Council on February 1, 1999, and approved by the Mayor on February 9, 1999, authorized the Mayor to conduct appraisals to establish fair market value of said properties.

**IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, as follows:

Section 1: That the City Attorney or her designee, in consultation with Bureau of Purchasing and Real Estate and Department of Public Works, is hereby authorized to negotiate with the owners of properties, located adjacent to the Key Road, Cascade Road, Gun Club Road, and East Confederate landfills to acquire the necessary properties or easements and to provide reasonable compensation.

Section 2: That in the event said negotiations fail, the City Attorney or her designee is hereby authorized and directed to acquire such properties through condemnation procedures.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: Greg Pridgeon

Originating Department: Public Works

Contact (name) K.C. Marks, III - 6293

Commissioner's Signature

*Harvey S. Reid*  
10-5-00

Director's Signature

*[Signature]* 10-3-00

Committee(s) Purview: City Utilities Committee

Committee Deadline: 10/09/00

Committee Meeting Date: October 31, 2000

City Council Meeting Date: November 6, 2000

CAPTION:

**AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE ATLANTA HOUSING AUTHORITY FOR THE PURPOSE OF EXCHANGING PROPERTY TO COMPLETE WORK REQUIRED FOR CERTIFICATION OF CLOSURE OF THE GUN CLUB ROAD LANDFILL**

BACKGROUND/PURPOSE/DISCUSSION:

During the operation of the Gun Club Road landfill, solid waste was disposed of on property adjacent to the landfill and owned by the Atlanta Housing Authority. As a result of this action, environmental monitoring devices were installed on the AHA property during the construction of the closure of the Gun Club Road landfill. The Georgia Department of Natural Resources /Environmental Protection Division (EPD) requires the owner of the landfill facility to have access to all installed monitoring devices and that the facility boundary of the closed landfill be revised to include the environmental monitoring devices. The Department of Public Works in consultation with the Department of Planning has pursued acquisition of this property through discussions with AHA officials. The AHA officials have indicated that they would recommend to HUD that the property be transferred to the City through an intergovernmental property exchange. The proposed property exchange would enhance the City's goals for redevelopment in the northwest corridor.

FINANCIAL IMPACT

Funding for this acquisition was adopted by City Council on July 6, 1999 and approved by the Mayor July 12, 1999

Mayor's Staff Only

Received by Mayor's Office:

*10/9/00*  
(Date)

Reviewed by:

*[Signature]* *10/19/00*  
(Initials) (date)

Submitted to Council:

(Date)

Action by Committee:

Approved

Adverse

Held

Amended

Action by Committee:

Substitute

Referred

Other